

REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

In the outstanding Final Office Action, the Examiner rejected claims 11 and 33-34, under 35 U.S.C. §112, ¶1, as allegedly failing to comply with the written description requirement; rejected claims 11 and 33-34, under 35 U.S.C. §112, ¶2, as allegedly being indefinite. The Examiner also objected to the Specification as allegedly having new matter introduced in the previous Response of August 7, 2008.

By this Amendment, the Specification has been amended to remove the insertion of a comma, which the Examiner asserts introduces new matter. In addition, claims 11 and 33-34 have been amended for form and clarity. Applicants submit that no new matter has been introduced. As such, claims 11 and 33-34 are currently presented for examination, of which claim 11 is the sole independent claim.

By virtue of the changes to the Specification, the objection thereto has been rendered moot, and the immediate withdrawal of the objection is respectfully requested.

Applicants traverse the §112, ¶1 and §112, ¶2 rejections as follows:

I. Rejections Under §112, ¶1 & §112, ¶2.

As noted above, independent claim 11 now positively recites, *inter alia*, a weight for imparting gravitational force on the apparatus body, ***the weight having an upper portion that is coupled to the lower portion of the tubular member via a bellows mechanism***. Dependent claim 33 recites that the bellows mechanism comprises an elastic member coupling the lower portion of the tubular member to the upper portion of the weight and dependent claim 23 recites that the bellows mechanism imparts a biasing force to restore the guide rod to the predetermined, non-zero angle relative to a vertical axis of the apparatus body. Applicants

submit that these features are amply supported by the disclosed embodiment. (See, Specification: par. [0021], [0024]; FIGs. 1, 2).

Returning to claim 11, the claim also positively recites a *guide rod abuttedly connected to the lower portion of the weight, the lower portion of the weight defining the bottom end of the apparatus body, the guide rod being elastically biased toward a predetermined, non-zero angle relative to a vertical axis of the apparatus body . . . the biased, predetermined non-zero angle of the guide rod facilitates entry of the guide rod into a tapered surface of an opening of the jet pump.*

The Examiner asserted that the limitation “fixed” with respect to the claim language reciting the guide rod having an incline at a *fixed, predetermined, nonzero angle*” constitutes new matter and is indefinite. (See, Final Office Action: item 4; item 7). The Examiner also acknowledged that although there is a bias towards a specific angle, the angle is not fixed. (See, Final Office Action: item 9(b)(i)(1)-(2)).

In an effort to expedite the examination of the present application, Applicants have amended claim 11 to recite “*the guide rod being elastically biased toward a predetermined, non-zero angle relative to a vertical axis of the apparatus body.*” Such language is clearly supported and described by the disclosed embodiments and consistent with the Examiner’s understanding.

The Examiner also asserted that the claim language “a tool, communicatively coupled to the *top end of the apparatus body*, configured to conduct the operation” also constitutes new matter and is indefinite. (See, Final Office Action: item 5; item 8). The Examiner also asserted that the written description provides embodiments in which tools are also coupled to the bottom end of the apparatus body. (See, Final Office Action: item 9(b)(ii)).

To this end, Applicants have amended claim 11 to recite “a *tool, communicatively coupled to the apparatus body*, configured to conduct the operation.” Such language is clearly

supported and described by the various embodiments pointed out by the Examiner as well as being definite.

Thus, for at least these aforementioned reasons, Applicants submit that claims 11 and 33-34 are amply supported and described by the present application and the claim language recited therein is both definite and clear on its face. Accordingly, the immediate withdrawal of the §112, ¶1 and §112, ¶2 rejections is respectfully requested.

II. Levesque '407 Reference.

The Examiner acknowledged that the Levesque '407 reference does not disclose a guide rod at a fixed angle abuttedly connected to the lower portion of the weight. (See, Final Office Action: item 9(d)).

Applicants respectfully point out that, regardless of whether the guide rod has a “fixed incline” or “is elastically biased toward a predetermined angle,” there is nothing in Levesque '407 that remotely suggests a ***guide rod abuttedly connected to the lower portion of the weight***, as required by claim 11. Indeed, the only thing that Levesque '407 provides at the bottom end of probe 10 is weight 14, which is used to provide center of gravity. This is in direct contrast to claim 11, which requires that the guide rod - not the weight - be disposed at the end of the apparatus body. Although weight 14 is similar in operation as the weight of the claimed invention, there is in no way that weight 14 could be remotely construed as a guide rod.

Equally notable, Levesque '407 fails to suggest ***the guide rod being elastically biased toward a predetermined, non-zero angle relative to a vertical axis*** of the apparatus body. To the contrary, the guide arms 16 of Levesque '407 merely spread open and extend and so that the sensors 32 attached to the guide arms 16 touch the inside of the pipe. There is simply no elastic bias of the guide rods toward a predetermined angle.

CONCLUSION

All matters having been addressed and in view of the foregoing, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicants' Representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the Undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number **03-3975**. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully Submitted,

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